

REMARKS/ARGUMENTS

Applicant acknowledges and affirms the restriction requirement as set forth in the previous Office Action and have canceled claims 10 and 11.

Further, applicant would like to point out to the Examiner that the term "mills" refers to $1/1000^{\text{th}}$ of an inch. This is a common term and can be located in the Dictionary of Physics published by Penguin Books, 2nd Ed, page 303.

Claims 2, 7 and 8 have been amended to delete "method" and insert in place thereof --coiled tubing--. Claim 1 has been further amended to insert the limitation that the outermost layer is in direct contact around the entire surface of a next adjacent inner layer. This language has been inserted at page 5 of the specification. The drawings provide the support for this amendment.

With these amendments in mind, applicant would request reconsideration of the outstanding Office Action. Claims 1, 3, 4 and 6 were rejected in light of the Wells reference. The Wells reference shows coiled tubing wherein two tubes are held together with an outermost layer. But, the outermost layer is not in direct physical contact with the entire surface of the next adjacent layer. There are gaps between the outermost layer and the surface of the next adjacent layer around a substantial portion of the tubing because two tubes are held together by a single exterior layer.

Modification of the Wells reference to arrive at applicant's invention certainly would not have been obvious to one of ordinary skill in the art. The Wells reference is intended to provide a dual coil tubing. The innermost layer is listed as one of a variety of

different polymers including a polyamide and a polyurethane. If there is a re-enforcing layer, there would be an additional layer which can be the same or different material. Preferred materials would include polyamide, polyolefin, PVC, or polyurethane. There certainly is no suggestion that one layer should be nylon and the second layer should be polyurethane. That is simply one of about fifteen different possibilities if one were to have the optional layer.

Finally, as disclosed in Wells, the outermost layer is preferably a polyurethane layer. This is contrary to applicant's invention where the outermost layer must be nylon. Although Wells does disclose other possible outer layers, including nylon, polyolefin, polyvinyl chloride, silicone, a fluoro polymer such as polytetrafluoroethylene or a co-polymer such ethylene vinyl acetate, to choose nylon from this group, and considering the possibilities of the intermediate layer, the chances of one choosing the three layers defined in applicant's claims would be 1 in about 300, or more -- i.e., 6 potential innermost layers, 4 preferred adjacent layers, 8 potential outermost layers. As indicated in Wells, the outermost layer is to hold the two tubes together and provide flexibility. The outer layer in Wells is not serving the same purpose as applicant's outermost nylon layer. Accordingly, making the correct choice for the appropriate layers and forming the tube as defined in applicant's claims, is simply not suggested or taught by Wells, even in combination with Stoeppelmann, or any of the other cited references.

Application Serial No. 10/068,184
Amendment mailed January 28, 2004
Reply to Office Action of April 28, 2004

In light of the above, applicant would respectfully request allowance of the pending claims.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By



Gregory J. Lupin, Reg. No. 29,945

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Telephone
(513) 421-7269 - Facsimile